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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,120	01/31/2001	Brad W. Blumberg	SMTR001/01US	1145

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EXAMINER

BEAULIEU, YONEL

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 11/19/2001

#7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,120

Applicant(s)

BLUMBERG ET AL.

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5,6
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 112

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, "the Global Positioning System" (line 3) lacks antecedent basis because such has not previously been identified.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 6, 8 – 21, 25 – 28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhatia (US 5,930,699).

Regarding claims 1 – 6, 8 – 21, 25 – 28, 30, and 31, Bhatia teaches a method of retrieving/locating location-centric information by way of executable software, comprising providing information related to a geographic position, from a Global Positioning System (col. 1: 17 – 20 at least), of a wireless device (10) to an information system (36) and receiving (through item 36) the information including location identifiers

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from the information system (as illustrated in wireless network in fig. 1), wherein the information being related to a landmark proximate the position (col. 2: 67 – col. 3: 3 at least); the identifiers being one of street addresses or business names (see fig. 3; col. 2: 46 – 56); the device further including a display (120) configured to display the location information identifier (col. 3: 6 – 10 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over –Bhatia (US 5,930,699) in view of Chanroo et al. (US 5,684,859).

As discussed above, Bhatia teaches all of the limitations except for inclusion in the wireless device of an audio device, an input device and a microphone.

However, Chanroo et al. teaches, in the same field of endeavor of wireless device, such a device (figs. 3 and 8) comprising an audio device (838 in fig. 8), an input device (320 in fig. 3) and a microphone (842 in fig. 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Bhatia's wireless device by including an audio device, an input device and a microphone as evidenced by Chanroo in order to provide for convenience and efficiency in using the wireless device.

Claims 7 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia ('699) in view of Brown (US 5,794,216).

Bhatia teaches all of the limitations except for the retrieved information describing a realtor and real estate information.

However, Brown teaches, in an analogous art, retrieved information that is of a realtor or real estate information (abstract; col. 1: 6 – 12; col. 3: 30 – 33 and 44 – 47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Bhatia's system by making the retrieved information real estate information as evidenced by Brown in order to increase compilation of more such information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-

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4072. The examiner can normally be reached on Monday to Friday (0630-1600), first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. CUCHLINSKI can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and same for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Y. BEAULIEU
November 13, 2001

